

**Exhibit 3**  
**Email from C. McCracken to**  
**Oracle's Counsel dated**  
**March 20, 2020**

**From:** [McCracken, Casey J.](#)  
**To:** [Minne, Jacob J.O.](#); [Kocan, David R.](#)  
**Cc:** [Smith, Benjamin P.](#); [Smith, Sharon R.](#); [kdunn@bsflp.com](mailto:kdunn@bsflp.com); [wisaacson@bsflp.com](mailto:wisaacson@bsflp.com); [rpocker@bsflp.com](mailto:rpocker@bsflp.com); [srodriguez@bsflp.com](mailto:srodriguez@bsflp.com); [Hill, Zachary Scott](#); [Shinn, Lindsey M.](#); [Minne, Jacob J.O.](#); [Stokes, Jenna](#); [gschlabach@bsflp.com](mailto:gschlabach@bsflp.com); [sungar@bsflp.com](mailto:sungar@bsflp.com); [Lee, Lisa S.](#); [ajensen@bsflp.com](mailto:ajensen@bsflp.com); [EVandevelde@gibsondunn.com](mailto:EVandevelde@gibsondunn.com); [mperry@gibsondunn.com](mailto:mperry@gibsondunn.com); [JTThomas@gibsondunn.com](mailto:JTThomas@gibsondunn.com); [SLiversidge@gibsondunn.com](mailto:SLiversidge@gibsondunn.com); [bevanson@gibsondunn.com](mailto:bevanson@gibsondunn.com); [jgorman@gibsondunn.com](mailto:jgorman@gibsondunn.com); [CWhittaker@gibsondunn.com](mailto:CWhittaker@gibsondunn.com); [JChristiansen@gibsondunn.com](mailto:JChristiansen@gibsondunn.com); [JTryck@gibsondunn.com](mailto:JTryck@gibsondunn.com); [rgomez@gibsondunn.com](mailto:rgomez@gibsondunn.com); [AMcKonly@gibsondunn.com](mailto:AMcKonly@gibsondunn.com); [TMorgan2@gibsondunn.com](mailto:TMorgan2@gibsondunn.com); [Polito, John A.](#)  
**Subject:** RE: Oracle v. Rimini - Proposed Schedule and Other Follow-up  
**Date:** Friday, March 20, 2020 3:22:38 PM

---

[EXTERNAL EMAIL]

Counsel,

We hope you're all doing well under the circumstances. We write to respond to your requests regarding page limits and Rule 1006 exhibits.

Regarding page limits, the Court made clear in its June 4, 2019 Order in *Rimini II* that it wants to limit pages of briefings and evidentiary materials to "effectuate a speedier resolution of this case" and because "concise briefing is preferable to all parties, including the Court." It explicitly noted that pretrial briefs would be limited to 24 pages, and it also limited evidentiary materials submitted with briefs to 100 pages. In light of the Court's guidance, we do not believe a request to submit 700 pages of evidentiary material with Oracle's Motion for Order to Show Cause would be well received. We would be willing to agree to jointly request 250 pages of evidentiary material, which is already 2.5 times what the Court ordered. As for briefing, we do not believe an increase in briefing limits to 30/30/20 (Motion/Opposition/Reply) is necessary; it also is not equitable as it gives Oracle far more extra pages than Rimini.

Regarding Rule 1006 exhibits, we do not see the need to deviate from the requirements governing Federal Rule of Evidence 1006 summaries.

Regards,

Casey

**Casey McCracken**

**GIBSON DUNN**

Gibson, Dunn & Crutcher LLP  
3161 Michelson Drive, Irvine, CA 92612-4412  
Tel +1 949.451.3932 • Fax +1 949.475.4772  
[CMcCracken@gibsondunn.com](mailto:CMcCracken@gibsondunn.com) • [www.gibsondunn.com](http://www.gibsondunn.com)

---

**From:** Minne, Jacob J.O. <jacob.minne@morganlewis.com>

**Sent:** Tuesday, March 17, 2020 3:40 PM

**To:** Vandevelde, Eric D. <EVandevelde@gibsondunn.com>; david.kocan@morganlewis.com; Perry, Mark A. <MPerry@gibsondunn.com>; Thomas, Jeffrey T. <JTThomas@gibsondunn.com>; Liversidge, Samuel <SLiversidge@gibsondunn.com>; Evanson, Blaine H. <BEvanson@gibsondunn.com>; Gorman, Joseph A. <JGorman@gibsondunn.com>; Whittaker, Chris <CWhittaker@gibsondunn.com>; Christiansen, Jeremy M. <JChristiansen@gibsondunn.com>; Tryck,

Jennafer M. <JTryck@gibsondunn.com>; Gomez, Ronald <RGomez@gibsondunn.com>; McKonly, Amber <AMcKonly@gibsondunn.com>; Morgan, Tracy A. <TMorgan2@gibsondunn.com>; McCracken, Casey J. <CMcCracken@gibsondunn.com>; [EXT] Polito, John A. <John.polito@morganlewis.com>

**Cc:** benjamin.smith@morganlewis.com; sharon.smith@morganlewis.com; KDunn@BSFLLP.com; Wisaacson@BSFLLP.com; rpocker@bsfllp.com; [EXT] Rodriguez, Sean <srodriguez@bsfllp.com>; [EXT] Hill, Zachary S. <zachary.hill@morganlewis.com>; [EXT] Shinn, Lindsey M. <lindsey.shinn@morganlewis.com>; jacob.minne@morganlewis.com; Stokes, Jenna <jenna.stokes@morganlewis.com>; [EXT] Schlabach, Gabriel <gschlabach@bsfllp.com>; sungar@bsfllp.com; [EXT] Lee, Lisa S. <lisa.lee@morganlewis.com>; ajensen@BSFLLP.com

**Subject:** Oracle v. Rimini - Proposed Schedule and Other Follow-up

[External Email]

Counsel,

Attached please find a draft stipulation and proposed order regarding the parties' requested schedule change. Please let us know if we have your consent to file.

Regarding Oracle's request for additional pages and exhibit pages concerning Oracle's expected motion for order to show cause, while we appreciate Rimini's counterproposal, we believe that an extension to 250-300 pages of exhibits and no extension to the brief itself is not sufficient. In a further effort to compromise, Oracle proposes that the parties agree to 30 pages each for Oracle's motion and Rimini's opposition, 20 pages for Oracle's reply, and 700 pages of exhibits each for the motion and opposition. Please let us know if Rimini agrees to this proposal.

Last, please let us know if Rimini agrees to Oracle's proposal that attorneys may prepare any Fed. R. Evid. 1006 summaries to be submitted in support of or in opposition to Oracle's expected motion for order to show cause.

Best,

Jacob

**Jacob J.O. Minne**

**Morgan, Lewis & Bockius LLP**

1400 Page Mill Road | Palo Alto, CA 94304

Direct: +1.650.843.7280 | Main: +1.650.843.4000 | Fax: +1.650.843.4001

[jacob.minne@morganlewis.com](mailto:jacob.minne@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)

Assistant: Marilyn Jean Doris | +1.650.843.7578 | [marilyn.doris@morganlewis.com](mailto:marilyn.doris@morganlewis.com)

## DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product.

If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

---

This message may contain confidential and privileged information for the sole use of the intended recipient. Any review, disclosure, distribution by others or forwarding without express permission is strictly prohibited. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Please see our website at <https://www.gibsondunn.com/> for information regarding the firm and/or our privacy policy.

---